

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, paragraphs have been amended on pages 1, 1a, 6, and 7.

Claims 45 and 80 have been canceled.

New claims 83-86 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 41-44, 46-79, and 81-86 are now pending in this application. Claims 43, 46, and 64 have been provisionally withdrawn from consideration.

Information Disclosure Statement

Applicant gratefully acknowledges receipt of the signed and initialed copy of the SB/08 form filed with the Information Disclosure Statement of July 2, 2004. Applicant notes that an Information Disclosure Statement and SB/08 form were also filed on April 13, 2007. Applicant respectfully requests the Office to consider the references listed and to provide a signed and initialed copy of the SB/08 form with the next Office correspondence.

Objections to the Specification

The specification is objected to for containing informalities. The specification has been amended to overcome these objections. Withdrawal of these objections is respectfully requested.

Claim Objections

Claims 55, 58, 63, 67, and 82 are objected to for containing informalities. The claims have been amended to overcome these objections. Withdrawal of these objections is respectfully requested.

Rejections under 35 U.S.C. § 112

Claims 47-51, 67, and 76-78 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. These rejections are respectfully traversed.

The Examiner asserts that claims 47-51, 67, 76, and 78 are indefinite because these claims use the language “and/or.” Applicant respectfully submits that the language of claims 47-51, 67, 76, and 78 are clear and definite because one of ordinary skill in the art would be able to ascertain the scope of these claims. For example, one of ordinary skill in the art would understand that the language “and/or” means that either all of the recited features would be included or only one of the recited features would be included. Therefore, one of ordinary skill would be able to ascertain the scope of these claims and determine if they were infringing upon these claims.

Claims 48 and 67 are rejected as being indefinite. The claims have been amended to overcome these rejections.

For at least the reasons discussed above, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 41, 42, 44, 45, 47, 48, 52-75, 78, 79, 81, and 82 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,536,041 (hereafter “Acker et al.”). This rejection is respectfully traversed.

Amended claim 41 recites a gas flow distributor for a lateral airbag module, comprising: a holder configured to surround outflow openings of a gas generator, wherein the holder includes an impact element and a gas-guiding duct, wherein the gas-guiding duct is

configured to guide gas flowing between the impact element and the gas generator, wherein the impact element is configured so that a gas flow emerging from the outflow openings of the gas generator impacts against the impact element and is thereby deflected and divided into a first gas flow and a second gas flow, wherein the first gas flow is deflected in a first direction along a circumferential surface of the gas flow distributor toward a first gas outlet region and the second gas flow is deflected in a second direction along the circumferential surface of the gas flow distributor toward a second gas outlet region, wherein the first and second gas flows emerge from the gas outlet regions along a tube axis of the gas generator, wherein the first and second gas outlet regions are opposite one another, wherein the gas generator comprises a tubular gas generator and the tube axis of the gas generator and a cross-sectional axis of the impact element are spaced apart from each other, wherein the first and second gas outlet regions are the sole gas outlet regions. Claims 41, 42, 44, 45, 47, 48, 52-75, 78, and 79 depend from claim 41. Claim 81 contains similar language. Claim 82 depends from claim 81.

Acker et al. discloses a tubular gas generator 16 arranged within a diffuser 18 and connected to a casing 19. See Acker et al. at col. 3, lines 1-15; Figures 3 and 5. The diffuser 18 includes openings 24 that are circumferentially spaced from gas outlet openings 17 of the gas generator 16 so that gas leaving openings 17 is not able to directly leave through openings 24, causing gas to be directed along part-annular cavity 25. See Acker et al. at col. 3, line 56, to col. 4, line 9, 38-45.

Acker et al. does not disclose a gas flow distributor, “wherein the first and second gas outlet regions are the sole gas outlet regions.” As shown in Figures 2, 4, and 5 of Acker et al., the diffuser 18 includes openings 24 in addition to openings at terminal sections 22, 23. The diffuser 18 of Acker et al. does not include first and second gas outlet regions as the sole gas outlet regions. Therefore, Acker et al. does not disclose all of the features recited in claims 41 and 81. Withdrawal of this rejection is respectfully requested.

Claims 41, 42, 44, 47-63, 65-74, and 76-82 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,293,581 (hereafter “Saita et al.”). This rejection is respectfully traversed.

Saita et al. discloses an inflator 41 that is supported in an inflator case 42. See Saita et al. at col. 9, line 61, to col. 10, line 1; Figures 4 and 7. Diffusers 43 and 44 are fixed to opposite ends of the inflator 41 so that each end of the inflator is connected to a different cell group of an airbag. See Saita et al. at col. 10, lines 8-15, 21-26. A mounting bracket 56 is fitted over the inflator case 42 and inflator 41 to fasten these devices to a roof side rail 18 of a vehicle. See Saita et al. at col. 10, lines 60-65.

However, Saita et al. does not disclose a gas flow distributor, “wherein the gas generator comprises a tubular gas generator and the tube axis of the gas generator and a cross-sectional axis of the impact element are spaced apart from each other.” As shown in Figure 4, the inflator 41 disclosed by Saita et al. has an axis that is aligned with the axis of the inflator case 42. Therefore, Saita et al. does not disclose all of the features recited by claims 41 and 81.

Furthermore, the ends of the inflator 41 include radial ejecting portions 41₁ that are arranged around the complete circumference of the inflator 41, and the inflator 41 is supported by a plurality of opposite supporting projections 42₁ that align the inflator 41 within the inflator case 42 so that the axis of the inflator 41 is aligned with the axis of the inflator case 42. See Figure 7 of Saita et al. Applicant respectfully submits that it would not have been obvious to modify the device of Saita to so that “the tube axis of the gas generator and a cross-sectional axis of the impact element are spaced apart from each other” because this would cause some of the radial ejecting portions 41₁ to be obstructed, due to the radial ejecting portions 41₁ being positioned against a wall of the inflator case 42, and because Saita et al. does not disclose or suggest that the axis of the inflator 41 can be offset from the axis of the inflator case 42.

For at least the reasons discussed above, withdrawal of this rejection is respectfully requested.

New Claims

New claims 83-86 have been added. Claims 83, 84, and 86 depend from claim 41, while claim 85 depends from claim 81. Applicant respectfully submits that claims 83-86 are

allowable over the prior art for at least the reasons discussed above. Furthermore, Applicant respectfully submits that claims 83-86 recite features not disclosed or suggested by the prior art.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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